

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

MICHAEL BOOKER,

Plaintiff,

v.

Case No: 8:19-cv-2139-T-36SPF

EQUIFAX INFORMATION SERVICES,  
LLC, EXPERIAN INFORMATION  
SOLUTIONS, INC. and WELLS FARGO  
BANK, N.A.,

Defendants.

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**ORDER**

This matter comes before the Court upon Defendant Wells Fargo's Partial Motion to Dismiss Amended Complaint (Doc. 50), and Plaintiff's Notice of Non-Objection to Defendant Wells Fargo Bank, N.A.'s, Partial Motion to Dismiss Amended Complaint (Doc. 54). In the motion, Defendant Wells Fargo contends that Count V of the Amended Complaint (Doc. 43 ¶¶ 67-70), which alleges violations of the Florida Consumer Collection Practices Act, section 559.72 of the Florida Statutes ("FCCPA"), should be dismissed and that the time for answering the only other count of the Amended Complaint directed to Defendant Wells Fargo Bank, N.A. ("Wells Fargo"), Count VI, should be tolled or extended pending ruling on the Motion to Dismiss. Doc. 50. Plaintiff filed a response stating he does not object to the Motion to Dismiss and withdraws Count V of the Amended Complaint. Doc. 54. The Court, having considered the motion and being fully advised in the premises, will grant Defendant's Motion to Dismiss (Doc. 50) and dismiss Count V of the Amended Complaint (Doc. 43 ¶¶ 67-70).

The Court will also grant Wells Fargo's request to extend the time for it to answer Count VI of the Amended Complaint. *Jacques v. First Liberty Ins. Corp.*, No. 8:16-cv-1240-T-23TBM,

2016 WL 3221082, at \*1 (M.D. Fla. June 9, 2016) (“The majority of courts considering th[e] question have concluded that a party need not file an answer while a partial motion to dismiss is pending.”). Wells Fargo shall respond to Count VI of Plaintiff’s Amended Complaint within fourteen (14) days of the date of this Order. Accordingly, it is

**ORDERED:**

1. Defendant Wells Fargo’s Partial Motion to Dismiss Amended Complaint (Doc. 50) is **GRANTED**. Count V of the Amended Complaint (Doc. 43 ¶¶ 67-70) is **DISMISSED**. Defendant Wells Fargo Bank, N.A. shall respond to Count VI of Plaintiff’s Amended Complaint within **FOURTEEN (14) DAYS** of the date of this Order.

**DONE AND ORDERED** in Tampa, Florida on December 23, 2019.

  
Charlene Edwards Honeywell  
United States District Judge

Copies to:  
Counsel of Record and Unrepresented Parties, if any